

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

BENJAMIN COTTMAN and  
MELVIN BROWN,

Defendant(s).

Case No. 2:18-CR-129 JCM (DJA)

AMENDED ORDER

Presently before the court is Lisa A. Rasmussen's motion to withdraw as attorney for defendant Benjamin Cottman. (ECF No. 158).

Cottman appeared for sentencing via videoconference on November 20, 2020 but did not affirmatively consent to waiving his right to appear in person. (ECF No. 156). Without Cottman's consent, the sentencing could not go forward and was continued until January 29, 2021. (*Id.*). On December 1, Cottman asked Rasmussen to withdraw as his counsel, stating that the two "do not see eye to eye" and have "irreconcilable differences." (ECF No. 158 at 1). Rasmussen does not believe that a conflict exists and moves for withdrawal at the "sole request" of her client. (*Id.* at 2). Rasmussen is Cottman's third appointed attorney in this case. (ECF Nos. 58, 123). Her motion does not indicate if Cottman would like to proceed pro se. *See Faretta v. Cal.*, 422 U.S. 806, 834 (1975).

Local Rule IA 11-6(e) provides that "[e]xcept for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case." The sentencing hearing on January 29, 2021 will not be delayed by Rasmussen's withdrawal. Rasmussen has extensively briefed the sentencing. She filed

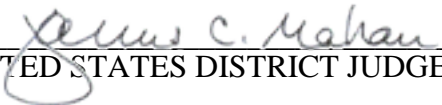
1 objections to the presentencing report, two sentencing memorandums, and multiple  
2 supplements to the memorandums. (ECF Nos. 142, 143, 144, 145, 148). A prompt  
3 appointment of new CJA counsel will provide adequate time to prepare for sentencing. *See*  
4 18 U.S.C. §§ 3006A, et seq. And with good cause appearing, Rasmussen's motion to  
5 withdraw is granted.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Rasmussen's motion  
8 to withdraw (ECF No. 158) be, and the same hereby is, GRANTED.

9 IT IS FURTHER ORDERED that the CJA Administrator shall arrange for the  
10 appointment of a CJA Panel attorney to represent Cottman at sentencing. Rasmussen will  
11 turn over her file/discovery to CJA counsel upon notification that counsel has been  
12 appointed.

13 DATED December 2, 2020.

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UNITED STATES DISTRICT JUDGE